

**COLUMBUS PLAN COMMISSION MEETING
MAY 4TH 2005 AT 4:00 P.M.
CITY COUNCIL CHAMBERS, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: Dave Fisher (President), Jack Heaton, Pat Zeigler, Tom King, Joan Tupin-Crites, John DeLap, Steve Ruble and Rick Colgazier.

Members Absent: John Hatter, Dave Bonnell, Rob Kittle and Tom Finke (County Plan Commission Liaison).

Staff Present: Jeff Bergman, Laura Thayer, Sondra Bohn, Heather Pope, Marcus Hurley, Thom Weintraut, and Alan Whitted (Deputy City Attorney).

CONSENT AGENDA

Minutes of the April 6th 2005 meeting.

Motion: Ms. Zeigler made a motion to approve the minutes. Ms. Tupin-Crites seconded the motion and it carried unanimously by voice vote.

OLD BUSINESS REQUIRING COMMISSION ACTION

PUD-05-03: Westlake Hills PUD – is a request by Tipton Lakes Company to rezone approximately 13.8 acres from R-5 (Urban Residential District) to PUD (Planned Unit Development) to create a Planned Unit Development. The property is located on the southwest corner of Tipton Lakes Boulevard and Goeller Road, in the City of Columbus.

Mr. Fisher read a letter from Mr. Donald L. Michael, Executive Vice President for Tipton Lakes Company, Inc., requesting that the Preliminary PUD application be withdrawn from the May 4th Plan Commission docket.

Motion: Mr. Colglazier made a motion to approve the request to withdraw without prejudice. Ms. Zeigler seconded the motion and it carried unanimously by voice vote.

NEW BUSINESS REQUIRING COMMISSION ACTION

PP-05-01: Westlake Hills Major Subdivision – is a request by Tipton Lakes Company to create 47 lots and 5 blocks totaling 105.86 acres. The property is located on the southwest corner of Tipton Lakes Boulevard and Goeller Road in the City of Columbus.

Mr. Weintraut presented the staff report on this request.

Mr. Orwic Johnson, Columbus Surveying and Engineering, and Donald L. Michael, Executive Vice President of Tipton Lakes represented the petitioner.

Mr. Johnson stated that they had come to an agreement on most of the items discussed by The Subdivision Review Committee. He stated there are three items that they are asking waivers on. (1) To modify the standards for tangents between reversed curves. (2) To permit

centerline radii of less than 200 feet on local streets. (3) To omit that portion of sidewalk or pedestrian path along Goeller Road between the west right of way line of Westcreek Drive and the west line of Block "B." He stated if installed the sidewalk has the potential of creating a hazardous situation and there is no known provision for proposed extension of the sidewalk beyond that point. He stated that the sidewalk would end at the base of a blind hill.

Mr. Michaels stated they were in agreement with staff except for the 300 feet of sidewalk. He proposed that the path would stop at Westcreek Drive and return into the subdivision. He stated that Tipton has built over 9 miles of paths over the last twenty-four years. He stated that they have never been required to terminate a path in a condition where it dead-ends. Mr. Michaels stated it would be difficult for that Lexington Green Subdivision to go back and construction sidewalks that would connect. He stated approximately ten months ago the City of Columbus, Bartholomew County and Tipton Lakes Company jointly paid to lower the hill at Trotter Place about seven feet. Utilities were relocated, but there were no provisions for sidewalks. He stated it was an unsafe situation.

Ms. Zeigler asked if it would be safe to install sidewalks on the north side of Goeller. Mr. Michaels stated yes. He said that Tipton Lakes owns 1600 feet beyond the point where it stops on the north side and would anticipate some kind of sidewalk system on the north side that would go further west.

Mr. Ruble asked if it was a safety concern only, not a monetary concern not to install the sidewalks at this time. Mr. Michaels stated yes. Mr. Ruble asked if they would be willing to provide a financial guarantee for the future. Mr. Michaels stated no. He stated when the construction had been done on Goeller that would have been the time to address the issue of sidewalks. Mr. Michaels said he would not agree to tie up the assets of Tipton Lakes Company for some future project that probably will never occur.

Mr. Ruble stated the reason for the construction on Goeller of was a safety issue. Mr. Ruble stated that it was important to stay on quick time line. In order to accommodate walks they would have had to acquire additional right-of-way. He said this is a time-sensitive process and that is why sidewalks were not incorporated at that time.

Mr. Michaels stated that this plat was approved in 2003 at Plan Commission and there was no requirement for the 300 feet of sidewalk at that time.

Mr. Bergman stated that if the residential development to the west would be annexed into the City there would be no requirement for sidewalks at that time. Mr. Bergman stated as the City grows in that direction and additional development occurs sidewalks will be required. He stated that the Subdivision Control Ordinance recognizes that there will be stubbed in sidewalks at various points in the community as the sidewalk system is developed. Mr. Bergman stated that it would be safer to have people walking on a sidewalk for even that 300 feet instead of walking on Goeller.

Mr. Fisher opened the meeting to the public.

Mr. Kent Anderson, MPO Director spoke in favor of having Tipton Lakes set aside monies for the future development of sidewalks on Goeller.

Mr. Michaels stated they were prepared to provide an easement on Goeller Blvd., but were not prepared to provide a financial guarantee at this time.

Mr. Fisher closed the meeting to the public.

Mr. Fisher asked for staff's recommendation.

Mr. Bergman stated that most of the key issues had been addressed. He stated that they had been before SRC and most of the items do comply with the requirements of the Subdivision Control Ordinance. Mr. Bergman stated that there were some inconsistencies between the Subdivision Control Ordinance and the Thoroughfare Plan. He stated that the Thoroughfare Plan was a guide. He stated when creating a new subdivision the appropriate requirements are found in the Subdivision Control Ordinance.

Mr. Bergman stated that staff would recommend approval of the subdivision with the following conditions, (1) Final drainage plan and report meet the requirement of the City Engineer's Office, (2) The sanitation and water service plan meet the requirement of the Subdivision Control Ordinance, City Engineer and City Utilities, (3) The final street alignment meets the requirements of the City Engineer, and (4) Final street names meet the requirements of the Planning Department. Mr. Bergman indicated that the approval should be subject to (1) Approval of the Modification to allow the double frontage lots with a continuous landscape screen. (2) Approval of the Modification to allow the radius of curvature and tangent length to be less than the required and (3) Denial of the Modification for a waiver of the requirements of sidewalks because this property is located within the City limits and abuts residential property to the west. Mr. Bergman suggested that the appropriate signage to be placed at the site and recommend the financial guarantee as another suitable option. Mr. Ruble stated he would like to add the word (and geometry) after the word alignment on Condition 3.

Motion: Mr. DeLap made a motion to approve this request with the following conditions: (1) The final drainage plan and report shall meet the requirements of the City Engineer, (2) The sanitary sewer and water service plan shall meet the requirements of the Subdivision Control Ordinance, the City Engineer, and the City Utilities Department. (3) The final street alignment shall meet the requirements of the City Engineer, and (4) Final Street names meet the requirements of the Planning Department, the approval is subject to the following: (1) Approval of the modification to allow the double frontage lots with a continuous landscape screen, (2) Approval of the modification to allow the radius of curvature and tangent length to be less than required, and (3) Approval of the modification for a waiver of the requirements of sidewalks. Mr. Ruble requested that (and geometry) be added on condition 3 after alignment. Mr. DeLap included that in his motion. Mr. Heaton seconded the motion and it carried with a vote of 7-1 with Mr. Ruble being the nay vote.

AD-05-08: Resubdivision of Tracts I-1 and I-2 in "Essex Castings Minor Plat"

Administrative Subdivision – is a request by C.E. Systems, Inc. to allow replatting of a parcel without road improvements as required in a note on the Essex Castings, Inc. Minor Plat. The property is located at 1045 South Gladstone Avenue, in the City of Columbus.

Mr. Hurley presented the staff report on this request.

Mr. E.R. Gray with E.R. Gray & Associates, Joe Cunningham, President of C.E. Systems Inc., and Mike Miller represented the petitioners.

Mr. Gray stated that the note was discovered when Mr. Cunningham decided to expand his existing facilities. It was pointed out to him that he could not unless the note was removed. He stated that in 1996 during the Minor Plat approval process a note was placed on the recorded plat. This note restricted any building permit being issued without the property being replatted or street improvements made which meet the City Engineer's standards. Mr. Gray stated that at the time they agreed to do this as it was important to close the property deal in a timely manner. Mr. Cunningham stated that IDEM had been working with them on a two year plan to fill the area. He stated they had one year left. Mr. Cunningham stated that they would be expanding the business and move the pattern shop and have everything in one location.

Mr. Ruble asked if the fill currently on site is encroaching into the drainage easement. He stated that if it is that would need to be addressed in the platting process.

Mr. Fisher opened the meeting to the public.

There was no one to speak for or against this request.

Mr. Fisher closed the meeting to the public.

Mr. Bergman stated that this request meets all the minimum standards provided by the Ordinance. He stated there is no reason not to remove the note and staff would recommend the request be approved.

Motion: Mr. Heaton made a motion to approve the request of removing the note from the Plat. Mr. Ruble seconded the motion and it carried with a vote of 8-0.

RZ-05-05: Home Marketing Specialists – is a request by Rita McCormick to rezone a lot of approximately 6,250 square feet from R-7 (Multi Family Residential) to B-1 (Neighborhood Business). The property is located at 2035 10th Street, in the City of Columbus.

Mr. Hurley presented the staff report on this request.

Ms. Rita McCormick represented the petitioner.

Ms. McCormick stated that on the west side of the street the houses were rentals. She stated she had obtained signatures from some of the surrounding neighbors and they were in favor of the request. Ms. McCormick stated there were some options for the traffic, one being access from the alley in the back. She stated there was a mix of zoning surrounding her property. Ms. McCormick stated her intention was to have a home based business and she would be living in the house part time. She said the reason she wanted the rezoning was to place a sign at this location. She stated the privacy fence had already been installed. Ms. McCormick stated she had seven parking spaces marked off, but they were not the correct size. She stated she could provide three spaces with the correct size and one space could be located by a large tree. She stated that the parking lot had already been paved. She stated that she would be willing to do some landscaping.

Mr. Fisher asked how large the structure was. Ms. McCormick stated that the main part of the residence was 1,008 square feet with a basement. Mr. Fisher asked if she resided there. Ms. McCormick stated she would occupy a portion of the house when she was in Columbus. Mr.

Fisher asked why she was appearing before Plan Commission and not BZA for a home based business. Ms. McCormick stated she wanted a larger sign that would be allowed with a home based business.

Mr. Bergman stated that staff had spent considerable time helping Ms. McCormick prepare for this meeting. He stated that staff's determination was that this request did not qualify as a home based business.

Ms. Zeigler asked what the business was. Ms. McCormick stated it was a real estate company called Home Marketing Specialists.

Mr. Fisher opened the meeting to the public.

There was no one to speak for or against this request.

Mr. Fisher closed the meeting to the public.

Mr. Fisher stated that the Comprehensive Plan discourages lot-by-lot development and this type of rezoning should be done on a larger scale.

Mr. Hurley stated that there are methods in place at Board of Zoning Appeals for individuals to obtain variances of use and conditional uses. These methods are in place to approve home based businesses. Mr. Hurley stated that these are our intent to result in small business uses consistent with existing residential land uses.

Mr. Heaton asked if Ms. McCormick had any options if this is denied.

Mr. Bergman stated that there were two options available. One would be to apply for a home based business. Due to the characteristics, which Ms. McCormick is proposing this would not qualify as a home based business. The second option is for properties where there is a unique situation related to the properties itself. If it would be not appropriate for residential use, the owner could seek a use variance to convert that property for non-residential purposes. In order to obtain approval one would have to demonstrate the hardship on the property, not just the desire that is contrary to what is on the site.

Mr. Fisher stated that the Comprehensive Plan would prefer to see a person who has a business locate in an area that is zoned properly.

Ms. Zeigler asked if the parking lot had already been paved. Ms. McCormick stated yes.

Mr. Colgazier asked Ms. McCormick if she purchased the property and if she has any guidance as to what would be allowed at the site. Ms. McCormick stated she bought it and, if a business would not be permitted, she would make the property a rental or work out of her home and not put up a sign. She said she had not anticipated it being that much of a problem with the rezoning.

Mr. Bergman stated that many of the issues have been discussed. He stated that there is some question about the future development of this area. He said it was important to default to the criteria of the Indiana Code that is provided for consideration at the time of rezoning. Mr. Bergman stated that it is staff's interpretation that the Comprehensive Plan recommends residential land uses for this area and specifically discourages rezoning on a lot-by-lot bases,

which is what is proposed. Mr. Bergman stated this is a mixed-use area but does retain a considerable amount of residential use. He stated that property values would be comprised if this rezoning were allowed. Mr. Bergman stated that converting properties of this size on lot-by-lot bases is not responsible growth. It does result in a number of issues and inconsistency with the Comprehensive Plan. For those reasons, staff would recommend to send an unfavorable recommendation to the City Council.

Motion: Mr. DeLap made a motion to send an unfavorable recommendation to the City Council. Ms. Zeigler seconded the motion and it carried with a vote of 8-0.

SU-05-07: Clifford Fire Department – is a request by the Clifford Fire Department, Inc. to rezone approximately 1.4 acres in Flat Rock Township to SU-11 (Public Buildings and Uses).

Mr. Fisher read a letter from the petitioners asking to continue this request to the next scheduled meeting of the Plan Commission

Motion: Mr. DeLap made a motion to continue this request to the June 2005 meeting. Ms. Tupin-Crites seconded the motion and it carried with a vote of 8-0.

ANX-05-01: Beulah M. Kammen Trust, – is a request by Kammen Farms to annex to the City of Columbus a property of approximately 79.54 acres, located at the west end of the reserved right-of-way for Brian Drive (off Indianapolis Road), in Columbus Township.

RZ-05-06: Beulah M. Kammen Trust, – is a request by Kammen Farms to rezone a property of approximately 79.54 acres from R-2 (Single Family Residential) to I-2 (Medium Industrial). The property is located at the west end of the reserved right-of-way for Brian Drive (off Indianapolis Road), in Columbus Township.

ANX-05-02: Beulah M. Kammen Trust – is a request by Kammen Farms to annex to the City of Columbus approximately 30.94 acres, located on the west side of Indianapolis Road approximately ¼ mile south of Brian Drive, in Columbus Township.

RZ-05-07: Beulah M. Kammen, Trust – is a request by Kammen Farms to rezone a property of approximately 30.94 acres from R-2 (Single Family Residential) to I-2 (Medium Industrial). The property is located on the west side of Indianapolis Road approximately ¼ mile south of Brian Drive, in Columbus Township.

Ms. Thayer presented the staff report on these requests.

Mr. Bergman stated that based on the Comprehensive Plan both properties will be appropriate additions to the City of Columbus. Mr. Bergman stated that the I-1 rezoning recommended by the staff is in response to some of the components in the Comprehensive Plan regarding desired uses along this corridor. Mr. Bergman stated that the main issue would be accessibility at this location. He stated that staff's recommendation is in response to the fact that parcel two, the smaller one that fronts on Indianapolis Road is accessible. Parcel 1 has some questions that remain about the accessibility. Mr. Bergman stated one of the main questions was the access off Brian Drive. He stated there would need to be a determination of how much improvement was required and who would pay for the improvements.

Rik Sanders with E.R. Gray & Associates and Dean Kammen represented the petitioners.

Mr. Sanders stated that at the north end of Brian Drive the B&K Industrial Park created a reserved right-of-way that did not improve Brian Drive onto the west but did reserve the right-of-way for future development. He stated there was a note on the plat that states there is a sixty-foot reserve right-of-way to be improved by the adjoiner when needed for access. Upon acceptance of the improvements, the dedication will be considered complete. Mr. Sanders stated that the owner to the west would improve that right of way to the City's satisfaction and the right of way is automatically dedicated. That right of way extends all the way to the property that would be labeled as Parcel 1.

Mr. Sanders stated that on the south end access was granted for what is called Parcel 1 out to Indianapolis Road across Parcel 2, which a fifty-foot easement that runs across and gives access to Parcel 1 off Parcel 2. He stated there was a twenty-foot strip of ground that is not owned by Mr. Kammen. Mr. Arnholt granted an easement on the previous plat attached to the two pieces of property. This allowed access between these two parcels of land. Mr. Ruble asked if the easement itself prescribes to whom it is giving access.

Mr. Sanders states that most of Parcel Two is in a flood zone and developing residential in 100 year flood area is extremely difficult although the Comprehensive Plan for some residential development in that area. He stated that an Industrial use of that property is easier to manage in a flood plain. He stated that Mr. Kammen is willing to consider changing his request to I-1 zoning.

Mr. Fisher opened the meeting to the public.

Mr. Tom Weber, Director of Human Resources at Diamet stated they were not opposed to development in this area. He stated that as adjacent property owners he had concerns regarding storm drainage and flooding.

Mr. Bruce Beecher expressed concerns about drainage and flooding at this residence. He stated there was a private easement that goes from County Road 100 West to Parcel 1 and he would like to see this easement vacated. He stated there are four residences in the area and he would like to see some sort of buffer located there if this request is approved.

Mr. Larry Durnall expressed concerns regarding flooding if this area is developed.

Mr. Sanders stated there is an easement that goes across Mr. Beecher's lot on the west side of the plat. This is a twenty-five easement for agricultural purposes only on the plat.

Mr. Kenneth Arnholt stated the easement to Mr. Beecher's residence was extended when Mr. Kammen sold the residence. It was used for farm purposes only and extended to the backfield. Mr. Arnholt stated that he felt the easement should not be abolished. He stated they also had a twenty-foot easement back to the other parcel of land for cattle. Mr. Arnholt stated he had developed B&K Industrial Park and Brian Drive was installed at that time and was built to specifications. Mr. Arnholt stated he had dedicated a 60 foot reserve right-of-way so that the property behind would not be land locked. Mr. Arnholt stated he was willing to work with Mr. Kammen in resolving the easements and road improvements if this is request were approved.

Ms. Zeigler stated that she was a member of the Comprehensive Plan Committee when it was developed and there were discussion's regarding this being one of the corridor's to the City. She stated that it was the consensus of the members that there should be industrial

development in the area.

Mr. Bergman stated that in the future this area could be developed for Industrial Use as far as Interstate 65.

Mr. Ruble asked how we can be sure the right-of-way on the Arnholt property is dedicated to the public. Mr. Ruble stated there is a twenty-foot gap between the two parcels. Mr. Ruble stated that the owner of the two parcels is not the owner of the 20-foot easement. Mr. Whitted stated that could be an issue for the developer as a condition of approval is to provide the access that is required under the Subdivision Control Ordinance.

Mr. Ruble stated that Brian Drive provides only one way in and one way out. He stated this is looked on as an unfavorable condition; therefore, the two parcels need to be connected.

Mr. Fisher asked who owned the twenty-feet where the easement runs between Parcels 1&2. Mr. Sanders stated that Mr. Arnholt owned the easement. He stated that Mr. Arnholt and Mr. Kammen had both signed the plat.

Mr. Bergman stated that when Brian Drive was created it was the intent that someone not involved in that subdivision be responsible for upgrading Brian Drive in order for it to be dedicated to the City. Mr. Bergman stated this is something that may not be allowed.

Mr. Arnholt stated he did not need the easement, but would like it to remain open. He said he had no objection to a road built across the easement as long as he could get to his property.

Mr. Fisher closed the meeting to the public.

Mr. Sanders stated that these two parcels represent a large piece of ground and that on site storage of water is something that is available. He stated there would eventually have to be an agreement with Mr. Arnholt regarding the easement and dedication of right-of-way.

Mr. Bergman asked if it would present a problem to the petitioners to continue these request to the June 2005 meeting. He stated this would give everyone time to work on some of the outstanding issues. Mr. Sanders stated no, but would like some direction on how to proceed.

Ms. Zeigler stated she thought it important to have parcels ready for industry to locate here.

Mr. Bergman stated there were unresolved issues with both properties. He stated there needs to be more clarity regarding Brian Drive and regarding responsibility for improvements. Mr. Bergman stated there need to be some options concerning access between the parcels on the south. Mr. Bergman stated this area would be developed industrial in the future. Mr. Bergman stated that staff would recommend that these four petitions be continued to the June, 2005 meeting.

Motion: Ms. Tupin-Crites made a motion to continue this request to the June, 2005 meeting. Mr. Heaton seconded the motion and it carried with a vote of 8-0.

DISCUSSION ITEMS

REPORTS & RECOMMENDATIONS

DIRECTOR'S REPORT

Mr. Bergman stated this was the first meeting using the new notification signs. There have been no issues with them and the response has been positive.

LIAISON REPORTS

Written reports were received and discussed.

ADJOURNMENT: 7:05 P.M.

David L. Fisher, President

Steven T. Ruble, Secretary